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Inventor(s): Jean TOURRILHES

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Group Art Unit: 2686

Title: A COMMUNICATION MODE MANAGEMENT SYSTEM IN A WIRELESS
COMMUNICATION ENVIRONMENT

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TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 10/04/05.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

Jean TOURRILHES

By [Signature]

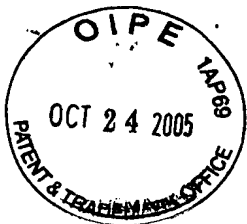
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Application No.: 10/079,606 Group Art Unit: 2686
Filed: February 21, 2002 Examiner: Ly, Nghi H.
For: A COMMUNICATION MODE MANAGEMENT SYSTEM IN A WIRELESS
COMMUNICATION ENVIRONMENT

APPEAL BRIEF

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I. Real Party in Interest

The assignee of the present invention is Hewlett-Packard Development Company,

L.P..

II. Related Appeals and Interferences

There are no related appeals or interferences known to the Appellants.

III. Status of Claims

Claims 1-14 have been rejected. This appeal involves Claims 1-14.

IV. Status of Amendments

An amendment has been filed subsequent to the final rejection to amend FIG. 2.

V. Summary of Claimed Subject Matter

Independent Claims 1 and 8 of the present application pertain to embodiments for communicating between devices. For example, Claim 1 recites a system for changing operation mode of a first communication interface of a first device in communication with a second device, comprising:

a communication activator external to the first device to send a trigger signal when an external third device wants to communicate with the first device via the first interface;

a second communication interface inside the first device to receive the trigger signal; and

an operation mode control module coupled to the first and second interfaces to cause the first interface to change its operation mode in order to communicate with the third device when the second interface receives the trigger signal.

Claims 2-7 depend on Claim 1 and therefore include all of the limitations recited in Claim 1.

Claims 9-14 depend on Claim 8 and therefore include all of the limitations recited in Claim 8.

Referring to Figure 2, an example of a first device is device 20, an example of a first communication interface is first communication interface 23, an example of a second device is device 28, an example of a communication activator is communication activator 25, an example of a third device is device 29, an example of a second communication interface is second communication interface 22, an example of a trigger signal is depicted as a line between communication activator 25 and second communication interface 22, an example of an operation mode control module is operation mode control module 21.

At page 6 line 20 through page 7 line 2, the instant application states,

In accordance with one embodiment of the present invention, the communication management system 30 changes the mode of operation of an electronic device (e.g., the device 20) which is in communication with another device (e.g., the device 28) when a third device (e.g., the device 29) is requesting to communicate with the device 20 such that the device 20 attend to the device 29 with minimized connection latency. This also allows the requesting device 29 to join the existing communication between the devices 20 and 28, if desired.

On page 7 line 23 through page 8 line 7, the instant application indicates that the devices 20 and 28-29 can be portable or mobile electronic devices, a pager or a watch, a cellular phone or

a satellite phone, a palm-top computer, a personal digital assistant, a personal organizer, or a mobile computer, among other things.

On page 8 lines 15 to 16 of the instant application state, “The first interface 23 allows the device 20 to communicate with external devices (e.g., the devices 28-29) via the external network 26.”

On page 10, lines 7-9 of the instant application state, “...the activator 25 functions as a central unit that generates the trigger signal whenever it receives a request from any one of the devices 20 and 28-19.

On page 10, lines 17-19 of the instant application state,

The second network interface 22 is located inside the device 20. This means that the communication mode management 30 includes modules inside the device 20, as well as modules (e.g., the activator 25) outside the device 20.

On page 11, lines 9-15 of the instant application state,

When the second network interface 22 receives the trigger signal, the signal is passed to the operation mode control module 21... The function of the operation mode control module 21 is to change the operation mode of the first communication interface 23.

Claims 7 and 14 recite, “wherein each of the first and second communication interfaces employs a wireless communication technology selected from a group consisting of infrared communication technology, laser communication technology, short range radio frequency communication technology, and long range radio frequency communication technology.” Refer to the discussion above for descriptions of embodiments for the first and second

communications interfaces as depicted in Figure 2. On page 9 lines 6 through 13 the instant application states that long range radio frequency, short range radio frequency, laser, and infra-red can be used for communicating among devices 20 and 28-29.

VI. Grounds of Rejection to Be Reviewed on Appeal

Claims 1-6 and 8-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,405,027 by Bell et al. (referred to hereinafter as “Bell”) in view of US Patent No. 6,603,744 by Mitzutani (referred to hereinafter as “Mitzutani”).

Claims 7 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bell in view of Mitzutani and further in view of US Patent No. 6,797,519 by Cohen et al. (referred to hereinafter as “Cohen”).

VII. Argument

35 U.S.C. 103(a) over Bell in view of Mizutani

A. Scope and Content of Bell

Bell et al. describes a group call for a wireless mobile communication device using Bluetooth. Bell teaches a mobile communication handset configured for communication using cellular, PCS, or cordless call over a wireless link to a base station. One or more communications devices can communicate over other wireless direct device-to-device second links implemented using Bluetooth Intercom Profile, thus, providing group calling by combining speech signals carried by various links and the handsets.

B. Scope and Content of Mizutani

Mizutani describes a wireless hub connected to a USB bus in a computer side and a wireless port connected to a USB interface of a peripheral device, such as a mouse, a keyboard or a printer.

C. Scope and Content of Cohen

Cohen et al. describes a method and apparatus for diagnosing hemostatis that utilizes a communication network. A blood hemostatis analyzer is communicatively coupled via the communication network to an analysis tool.

D. Differences Between the Claimed Invention and the Combination of Bell and Mizutani et al.

Claims 1-6 and 8-13

Independent Claim 1 recites, “A system for changing operation mode of a first communication interface of a first device in communication with a second device, comprising:

a communication activator external to the first device to send a trigger signal when an external third device wants to communicate with the first device via the first interface;

a second communication interface inside the first device to receive the trigger signal;
and

an operation mode control module coupled to the first and second interfaces to cause the first interface to change its operation mode in order to communicate with the third device when the second interface receives the trigger signal.”

BELL

Applicants respectfully assert that Bell does not teach or suggest such a system as recited by independent Claim 1. For example referring to FIG. 1A, Bell teaches a “group call combining means” that resides in a “Bluetooth enabled mobile cellular or PCS or cordless handset” that coordinates calls between communications devices, such as D2-Dn. Assuming for the sake of argument that Bell’s Bluetooth Enabled Mobile Cellular Or PCS or Cordless Handset (FIG. 1A) is analogous to the first device recited in Claim 1 and that Bell’s group call combining means is analogous to the operation mode control module (refer to 21 depicted in FIG. 2 of the instant application) recited in Claim 1.

Therefore, in order for Bell to teach or suggest Claim 1, Bell would have to teach a second communication interface (refer to 22 depicted in FIG. 2 of the instant application) that resides inside of the Bluetooth Enabled Mobile Cellular or PCS or Cordless Handset (FIG. 1A of Bell) and a first communication interface (refer to 23 depicted in FIG. 2 of the instant application) of the Bluetooth Enabled Mobile Cellular or PCS or Cordless Handset.

However, as can be seen from FIG. 1A of Bell, Bell does not teach or suggest a “first communication interface of a first device” and “a second communication interface that is inside the first device,” as recited by Claim 1. Therefore, it is respectfully submitted that Bell cannot teach any of the limitations of Claim 1 since all of the limitations recited by Claim 1 refer to the first or the second communications interfaces.

MIZUTANI

Further, the cited combination also fails to teach or suggest the limitations of Claim 1 because Mizutani fails to remedy the deficiencies in Bell in that Mizutani fails to teach or suggest any of the limitations as recited by Claim 1. For example, Mizutani teaches methods to allow wireless communications between devices, like a mouse, to communicate with a computer by converting USB packets into wireless signals and vice versa. Mizutani does not teach communications between more than TWO devices due to the nature of the type of problem that Mizutani is attempting to solve. For example, if a user moves a wireless mouse, the user would only want the cursor displayed on the computer screen to respond. If communications with a third device resulted due to moving the mouse, this would cause problems.

Therefore, Mizutani cannot teach “a communication activator external to the first device to send a trigger signal when an external third device wants to communicate with the first device via the first interface.” Further “a second communication interface inside the first device to receive the trigger signal” refers to “the trigger signal” which is recited in Claim 1 as being sent “... when an external third device wants to communicate ...” Therefore, Mizutani cannot teach or suggest “a second communication interface inside the first device to receive the trigger signal.” Therefore, it is respectfully submitted that Mizutani cannot teach any of the limitations of Claim 1 since all of the limitations recited by Claim 1 refer to the first or the second communications interfaces.

The Office action states that “a communication activator external to the first device to send a trigger signal when an external third device wants to communicate with the first device

via the first interface,” as recited by Claim 1 is taught by Mizutani at Col. 14, lines 19-39. However, Mizutani makes no reference to an external third device at Col. 14, lines 19-39. Therefore, Mizutani does not teach or suggest “a communication activator external to the first device to send a trigger signal when an external third device wants to communicate with the first device via the first interface” at Col. 14, lines 19-39.

The Office Action states that “a second communication interface inside the first device to receive the trigger signal,” as recited by Claim 1 is taught by Mizutani at Col. 16, lines 17-43. However, as already stated “a second communication interface inside the first device to receive the trigger signal” refers to “the trigger signal” which is previously defined in Claim 1 as being sent “... when an external third device wants to communicate ...” and Mizutani makes no reference to an “external third device” at Col. 16, lines 17-43. Therefore, Mizutani does not teach or suggest “a second communication interface inside the first device to receive the trigger signal” as Col. 16, lines 17-43.

The Office Action does not state that Mizutani teaches or suggests “an operation mode control module coupled to the first and second interfaces to cause the first interface to change its operation mode in order to communicate with the third device when the second interface receives the trigger signal.” Applicants respectfully agree with the Office Action in this regard. Therefore, it is respectfully submitted that Mizutani does not teach any of the limitations as recited by Claim 1. For the foregoing rationale, none of the limitations of Claim 1 are taught or suggested by either Bell or Mizutani, alone or in combination.

RESPONSE TO ARGUMENTS SECTION OF FINAL OFFICE ACTION

Concerning the Response to Arguments section: In paragraph 5 of the “Response to Arguments” section, the Office Action states, “In response to applicant’s arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, ...” It is respectfully submitted that the definition of arguing references individual would be to argue claim limitation 1 on the basis of one reference and then to argue claim limitation 2 on the basis of a second reference. An example of a complete response would be to argue claim

limitation 1 on the basis of one reference and then to argue claim limitation 1 on the basis of the second reference, thus, showing that neither reference taught or suggested claim limitation 1.

This reply provides a proper argument against combined references in that this reply argues that Bell does not teach or suggest any of the limitations of Claim 1 and further argues that Mizutani does not teach any of the limitations of Claim 1. Therefore, it is respectfully submitted that this response provides proper arguments against a 103 rejection.

In paragraph 5 of the “Response to Arguments” section, the Examiner states that Mizutani does teach more than ONE device and recites column 20, line 5. Although Mizutani teaches that more than one device (e.g., a computer and a wireless mouse) can be connected via a wireless port, this is not sufficient for Mizutani to teach or suggest any of the limitations of Claim 1. Claim 1 recites certain relationships between a trigger signal, a first device, a second device, and a third device, as already argued herein, that Mizutani does not teach or suggest.

The “Response to Arguments” section states “ ‘the wireless port 5 is provides outside the device 7’ reads on applicant’s ‘external third device’ .” Therefore, for the sake of argument assume that Mizutani’s wireless port 5 is analogous to Claim 1’s third device and that Mizutani’s mouse is analogous to Claim 1’s first device. In this case, Mizutani would have to teach or suggest a communication activator external to the mouse to send a trigger signal when the wireless port 5 wants to communicate with the mouse via a first interface. However, Mizutani does not teach or suggest a communication activator external to the mouse to send a trigger signal when the wireless port 5 wants to communicate with the mouse via a first interface. Therefore, Mizutani does not teach or suggest “a communication activator external to the first device to send a trigger signal when an external third device wants to communicate with the first device via the first interface,” as recited by Claim 1.

Further, in the paragraph 3, the Office Action states, “a second communication interface inside the first device ... ‘the wireless port 5 ... it maybe installed inside the device

7'." In this case, the Office Action is arguing that the wireless port 5 is analogous to Claim 1's second communication interface. However, in the "Response to Arguments" the Office Action argues that Mizutani's wireless port 5 is analogous to Claim 1's third device. It is respectfully submitted that Mizutani's wireless port 5 cannot be both the second communication interface and the third device recited by Claim 1 at the same time.

SUMMARY FOR CLAIM 1

Therefore, for the foregoing rationale, none of the limitations of Claim 1 are taught or suggested by either Bell or Mizutani, alone or in combination.

CLAIM 8

Independent Claim 8 should be allowed for similar reasons that independent Claim 1 should be allowed.

Claims 2-7 depend on Claim 1, which is believed to be allowable for the foregoing rationale. As such, it is respectfully asserted that the rejections of Claims 2-7 have been overcome and their allowance is earnestly solicited. Claims 9-14 depend on Claim 8, which is believed to be allowable for the foregoing rationale. As such, it is respectfully asserted that the rejections of Claims 9-14 have been overcome and their allowance is earnestly solicited.

Claims 7 and 14


The Office Action did not claim that Cohen taught or suggested the limitations recited by either Claim 1 or 8. Applicants respectfully agree with the Office Action in this regard. Since Claims 7 and 14 depend on Claims 1 and 8 respectfully and recite additional limitations which make them patentable, Applicant respectfully submits that the rejection of Claims 7 and 14 has been overcome and their allowance is earnestly solicited.

Conclusion

Appellants believe that pending Claims 1-6 and 8-13 are patentable over Bell in view of Mizutani. Further, Appellants believe that pending claims 7 and 14 are patentable over Bell in view of Mizutani and further in view of Cohen. Appellants respectfully request that the rejection of Claims 1-14 be reversed.

Respectfully submitted,
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Dated: 10/26/, 2005



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VIII. Appendix - Clean Copy of Claims on Appeal

1. (Original) A system for changing operation mode of a first communication interface of a first device in communication with a second device, comprising:

a communication activator external to the first device to send a trigger signal when an external third device wants to communicate with the first device via the first interface;

a second communication interface inside the first device to receive the trigger signal;
and

an operation mode control module coupled to the first and second interfaces to cause the first interface to change its operation mode in order to communicate with the third device when the second interface receives the trigger signal.

2. (original) The system of claim 1, wherein the communication activator is inside the third device that also includes a first communication interface and a second communication interface, wherein the communication activator sends the trigger signal through the second communication interface of the third device.

3. (original) The system of claim 1, wherein the communication activator is located external to the third device.

4. (original) The system of claim 1, wherein the operation mode of the first interface of the first device is changed to (1) suspend its current exclusive communication with the second device and (2) include the third device in its communication such that the first, second, and third devices are in communication together.

5. (original) The system of claim 1, wherein the operation mode of the first interface of the first device is changed to (1) suspend its current communication with the second device and (2) establish communication with the third device.

6. (original) The system of claim 1, wherein the first and second communication interfaces employ different wireless communication technologies.

7. (original) The system of claim 7, wherein each of the first and second communication interfaces employs a wireless communication technology selected from a group consisting of infrared communication technology, laser communication technology, short range radio frequency communication technology, and long range radio frequency communication technology.

8. (original) A method for changing operation mode of a first communication interface of a first device in communication with a second device, comprising:

(A) generating a trigger signal from a communication activator external to the first device when an external third device wants to communicate with the first device via the first interface;

(B) receiving the trigger signal by a second communication interface inside the device;

(C) causing the first communication interface to change its operation mode in order to communicate with the third device when the second interface receives the trigger signal.

9. (original) The method of claim 8, wherein the communication activator is inside the third device that also includes a first communication interface and a second communication interface, wherein the communication activator sends the trigger signal through the second communication interface of the third device.

10. (original) The method of claim 8, wherein the communication activator is located external to the third device.

11. (original) The method of claim 8, wherein step (C) is performed by suspending the current exclusive communication of the first interface with the second device; and

including the third device in the communication such that the first, second, and third devices are in communication together.

12. (original) The method of claim 8, wherein the step (C) is performed by suspending the current communication of the first interface of the first device with the second device; establishing communication with the third device.

13. (original) The method of claim 8, wherein the first and second communication interfaces employ different wireless communication technologies.

14. (original) The method of claim 8, wherein each of the first and second communication interfaces employs a wireless communication technology selected from a group consisting of infrared communication technology, laser communication technology,

short range radio frequency communication technology, and long range radio frequency communication technology.

IX. Evidence Appendix

No evidence is herein appended.

X. Related Proceedings Appendix

No related proceedings.